



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office

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SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
06/787,692	10/15/85	NILSSSEN	0

OLE K. NILSSSEN  
CAESAR DRIVE # RR-5  
BARRINGTON, IL 60010

EXAMINER	
BEHA, JR., H.	ART UNIT
PAPER NUMBER	
242	
DATE MAILED:	
70	

02/14/90

This is a communication from the examiner in charge of your application.

COMMISSIONER OF PATENTS AND TRADEMARKS

1.  The communication filed 1/25/90 is informal/non-responsive for the reason(s) checked below and should be corrected.  
~~APPLICANT IS GIVEN ONE MONTH FROM THE DATE OF THIS LETTER OR UNTIL THE EXPIRATION OF THE PERIOD FOR RESPONSE SET IN THE LAST OFFICE ACTION (WHICHEVER IS LONGER), WITHIN WHICH TO CORRECT THE INFORMALITY.~~

- a.  The amendment to claim(s) \_\_\_\_\_, filed \_\_\_\_\_, fails to comply with the provisions of 37 C.F.R. 1.121 and is accordingly held to be non-responsive. A supplemental paper correcting the informal portions and complying with the rule is required.
- b.  The paper is unsigned. A duplicate paper or ratification, properly signed, is required.
- c.  The paper is signed by \_\_\_\_\_, who is not of record. A ratification or a new power of attorney with a ratification, or a duplicate paper signed by a person of record, is required.
- d.  The communication is presented on paper which will not provide a permanent copy. A permanent copy, or a request that a permanent copy be made by the Office at applicant's expense, is required, see M.P.E.P. 714.07.

- e.  Other *See attached letter*

2.  In accordance with applicant's request, THE PERIOD FOR RESPONSE FROM THE OFFICE ACTION DATED \_\_\_\_\_ IS EXTENDED TO RUN \_\_\_\_\_ MONTH(S).

No further extension will be granted unless approved by the Commissioner. 37 C.F.R. 1.136 (b)

3.  Receipt is acknowledged of papers submitted under 35 U.S.C. 119 which papers have been made of record in the file.

4.  Other *This application is abandoned.*

*William H. Beha*

WILLIAM H. BEHA, JR.  
SENIOR EXAMINER  
GROUP ART UNIT 212

Art Unit 212

Applicant's reply received on January 25, 1990 to the board's decision dated November 30, 1989 is deemed to be non-responsive for several reasons:

At the outset, the new grounds of rejection raised by the board does not reopen prosecution except as to the subject matter to which the new rejection was applied. Applicant's substitution of claims 145 and 146 for the claims affirmed on appeal (claims 143 and 144) is clearly improper. Moreover, it is clear that claims 145 and 146 are drawn to different subject matter, see paragraph (a) on page 2 of applicant's reply. This is also improper (*Ex parte Comstock*, 1923 CD 82). Thus claims 145 and 146 are clearly out of place in this response, and they have not been entered.

As to amended claims 139-142, applicant's reply is non-responsive because it fails to point out how and why the recitations of the claims define novelty over, or are non-obvious over, Walker (37 CFR 1.111(b) and 1.119). The reply is similarly non-responsive because it fails to point out how and why the claims are non-obvious over Franke considered with Bedford as to claims 139 to 141 with the further consideration of Pintell as to claims 142.

Applicant has been notified repeatedly of the requirements of 37 CFR 1.111(b) in other cases before this examiner. In the examiner's opinion, therefore, the listed deficiencies are no longer "inadvertent" or "unintentional".

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Accordingly, this application is abandoned for failure to perfect a correct response to the board's rejection of claims 139-142 within the time frame allowed.

Any inquiry concerning this communication should be directed to William H. Beha at telephone number 703-557-5052.

Beha/dhk  
(703) 557-5052  
2-12-90

*William H. Beha*

WILLIAM H. BEHA, JR.  
SENIOR EXAMINER  
GROUP ART UNIT 212